

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 514 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.DAVE and

MR.JUSTICE Y.B.BHATT

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?
(No. 1 to 5 NO)
-

BACHUBHAI BABUBHAI PATEL

Versus

RAJENDRA BAXI

Appearance:

SERVED for Petitioner

UNSERVED AS EXPIRED for Respondent No. 1

PUBLIC PROSECUTOR for Respondent No. 2

CORAM : MR.JUSTICE S.D.DAVE and

MR.JUSTICE Y.B.BHATT

Date of decision: 26/06/97

ORAL JUDGEMENT

Per: S.D.Dave, J:-

The Contempt Application came to be presented by Applicant Bachubhai Patel in year 1986. The grievance made by the applicant was that, in a criminal case which came to be registered as C.C. No. 1627 of 1981 on the

file of Ld. Metropolitan Magistrate, Court No.4, the Respondent No.1 late Rajendra Baxi had undertaken to pay certain amount. According to the applicant, the said undertaking has been breached and the amount has not been paid. His further grievance is that, later on a fresh complaint for the alleged commission of the offence under section 420 I.P.Code came to be filed by him against the respondent no.1 and that, the said proceedings came to be registered as C.C.No. 552 of 1984. Against the orders of the issuance of the process in the subsequent proceedings the respondent no.1 had preferred Special Criminal Application No. 50 of 1985 and in that also he had filed an undertaking to pay an amount of Rs.22,787-00. According to the applicant, this undertaking also has been breached.

The respondent no.1 Rajendra Baxi was found not to be present and therefore fresh notice was ordered to be issued. The notice was accordingly issued, but ultimately there has been the report under the signature of Chief Circle Inspector, Bankshall Court South, Calcutta, dated 23rd. March 1996, saying that, the said respondent has expired before about two years of the said report. In view of this, it appears that, when the respondent no.1 late Rajendra Baxi - the contemner is no more, the present proceedings do not survive and they require to be disposed of. It also requires to be appreciated that the applicant who has been served with fresh notice also has not cared to remain present. Present proceedings are accordingly disposed of. Rule stands discharged. No costs.

/vgn.